



JAMES C. STURDEVANT (SBN 94551)
(jsturdevant@sturdevantlaw.com)
THE STURDEVANT LAW FIRM
A Professional Corporation
354 Pine Street, Fourth Floor
San Francisco, California 94104
Telephone: (415) 477-2410
Facsimile: (415) 477-2420

WHITNEY STARK
(wstark@tmdwlaw.com)
TERRELL MARSHALL DAUDT & WILLIE, PLLC
936 N. 34th Street, Suite 400
Seattle, Washington 98103
Telephone: (206) 816-6603
Facsimile: (206) 350-3528

ARTHUR D. LEVY (SBN 95659)
(arthur@yesquire.com)
LAW OFFICE OF ARTHUR D. LEVY
445 Bush Street, Sixth Floor
San Francisco, California 94108
Telephone: (415) 702-4550
Facsimile: (415) 814-4080

Attorneys for Plaintiffs
Eduardo de la Torre and Lori Kemply

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDUARDO DE LA TORRE and LORI
KEMPLY (formerly known as LORI
SAYSOURIVING), individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

CASHCALL, INC., a California corporation,
and DOES 1 through DOE 50, inclusive,

Defendants.

Case No. C 08-03174 MEJ

**MOTION FOR ORDER SHORTENING
TIME FOR HEARING OF PLAINTIFFS'
MOTION TO MODIFY CASE
MANAGEMENT ORDER RE EXPERT
REPORTS; DECLARATION OF
ARTHUR D. LEVY**

MOTION FOR ORDER SHORTENING TIME

Pursuant to Local Rule 6-3, plaintiffs hereby move for an Order Shortening Time for the briefing and hearing of their concurrently filed Motion to Modify Case Management Order re Expert Disclosures.

The reasons for shortening time are:

- (1) Plaintiffs' Motion to Modify addresses a limited case management issue relating to the scope of expert's reports;
- (2) The Court's ruling on the Motion to Modify motion is time-critical for the preparation of plaintiffs; expert reports; and
- (3) A full 35-day briefing cycle is unnecessary to resolve this issue.

Plaintiffs propose the following briefing schedule:

Motion to be filed: July 19, 2013

Opposition to be filed: July 26, 2013

Reply to be filed: July 31, 2013

Hearing: as soon thereafter as convenient to the Court.

Dated: July 19, 2013

/s/ Arthur D. Levy
Arthur D. Levy

Attorneys for Plaintiffs
Eduardo de la Torre and Lori Kemply

DECLARATION

I, Arthur D. Levy, say:

1. I am one of the counsel of record for plaintiffs in this case.
2. Under the existing Case Management Order, expert reports are due on September 18, 2013.
3. Plaintiffs' Motion to Modify is limited to the issue of the scope of the expert reports due that day.

1 4. In order for plaintiff's expert to have sufficient time to prepare a full class-wide
2 restitution study, if the Court requires it, it is necessary to have the scope of the report resolved as
3 soon as possible. Under the standard law and motion briefing and hearing cycle, the motion
4 would not be heard until at least August 21, shortly before the Labor Day holiday. This would
5 unnecessarily compress the time for completion of plaintiffs' expert's work and potentially would
6 not leave plaintiffs' expert sufficient time to complete the work.

7 5. I requested that defense counsel stipulate to an Order shortening time, and
8 proposed the same schedule as proposed in this Motion for Order Shortening Time. Defense
9 counsel declined to stipulate to any Order shortening time.

10 I declare under penalty of perjury that the foregoing Declaration is true and correct.
11 Executed this 19th day of July 2013 at San Francisco, California.

12
13 Dated: July 19, 2013

/s/ Arthur D. Levy
Arthur D. Levy

Attorneys for Plaintiffs
Eduardo de la Torre and Lori Kemply

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